REMARKS

Applicants have carefully studied the Office Action. This paper is intended to be fully responsive to all points of rejection and objection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Status of the Claims

Claims 1-39 are pending in the Application.

Claim Rejections Under 35 USC §102(e)

The Examiner rejected claims 1-4, 6, 10-16, 18, 22-29 and 36-39 under 35 USC §102(e) as being anticipated by Beach et al., United States Patent Application Publication Number 2004/0072588 ("the '588 Publication").

Specifically, the Examiner contended that the '588 Publication describes a wireless communication device including a microphone to receive voice, and <u>a buffer to store the voice data</u> during a power save period. The Examiner further contended that this description in the '588 Publication anticipates claims 1-4, 6, 10-16, 18, 22-29 and 36-39 of the present application. Applicants respectfully disagree.

As is well established, in order for a claim to be anticipated by the prior art, each and every element and feature of the claim must be included in a single prior art document.

Each of independent claims 1, 13, 25, 30 and 36 recites, in paraphrase, storing in a buffer during an awake mode <u>data packets sent for transmission</u> during a power save mode. The '588 Publication does not disclose, teach or suggest at least this feature of independent claims 1, 13, 25, 30 and 36.

Applicants would like to point out the device of the '588 Publication does <u>not</u> buffer during the awake mode <u>data packets sent for transmission</u>, but rather, at most, buffers during the awake mode <u>voice data received by a microphone and converted to digital format</u>.

The '588 Publication describes that "During a first time period 01 voice data received by a microphone 24 of the mobile unit 22 via audio circuits 28 is converted to digital data in a converter 30, shown in FIG. 2. The voice data is received by processor 32 and stored in a buffer portion of a memory 38 during a first buffer period labeled buffer A 52 in FIG. 3. ... During the second period 10, the mobile unit processor is activated to compress and transmit an audio packet corresponding to the audio data in buffer A to the associated access point." (the '588 Publication, paragraph 0021).

Therefore, the '588 Publication clearly describes that "voice data" (and not data packets sent for transmission) is stored in the buffer; and only later, the processor is activated to prepare and to transmit a packet that corresponds to the audio data stored in the buffer.

Applicants respectfully submit that "voice data" received by a microphone and converted from analog to digital, is significantly different from "data packets sent for transmission", which require preparation of the data packets by a processor (e.g., creation of header, trailer, checksum, or the like).

Applicants would like to further point out that the '588 Publication describes, in paragraph 0031, that "in connection with receive signals, the processor preferably accumulates a received audio packet in a receive buffer in external memory 38 as the packet is received from the access point" (the '588 Publication, paragraph 0031).

Therefore, the '588 Publication describes, at most, buffering in a first device (the mobile unit) of a packet that was received from another device (access point), and does not disclose buffering by a device of a data packet sent for transmission by the same device.

In view of the above, Applicants respectfully submit that each of independent claims 1, 13, 25, 30 and 36 meets the novelty requirements of 35 USC §102(e). Applicants respectfully request that the rejection of claims 1 and 13 under 35 USC §102(e) be withdrawn.

Applicants respectfully submit that the above-mentioned distinctions of amended independent claims 1, 13, 25, 30 and 36 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the

references on record, alone or in combination. Therefore, while the Examiner has not made such a rejection, Applicants respectfully submit that amended independent claims 1, 13, 25, 30 and 36 meet the patentability requirements of 35 USC §103.

Claims 2-4, 6 and 10-12, claims 14-16, 18 and 22-24, claims 26-29, and claims 37-39 are dependent from independent claims 1, 13, 25, and 36, respectively, and include all the features of these independent claims as well as additional distinguishing features. Therefore, it is respectfully submitted that the novelty and patentability of claims 2-4, 6 and 10-12, claims 14-16, 18 and 22-24, claims 26-29, and claims 37-39, follow directly from the novelty and patentability of independent claims 1, 13, 25, and 36, respectively.

In view of the above, Applicants respectfully request that the rejection of claims 1-4, 6, 10-16, 18, 22-29 and 36-39 under 35 USC §102(e) as being anticipated by the '588 Publication be withdrawn.

Claim Rejections Under 35 USC §103(a)

The Examiner rejected claims 5 and 17 under 35 USC §103(a) as being unpatentable over the '588 Publication in view of Kaikuranta et al., United States Patent Number 6,031,825 ("Kaikuranta").

Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of the '588 Publication and Kaikuranta does not meet the requirements of an obviousness rejection, in that the combination at least fails to teach or suggest all the elements of the claimed invention.

Claim 5 depends from independent claim 1, and claim 17 depends from independent claim 13.

Each of independent claims 1 and 13 recites, in paraphrase, storing in a buffer during an awake mode data packets sent for transmission during a power save mode. As discussed above, the '588 Publication does not disclose, teach or suggest at least this feature of independent claims 1 and 13. Kaikuranta does not cure the deficiencies of the '588 Publication.

In view of the above, Applicants respectfully submit that the '588 Publication and/or Kaikuranta, alone or in combination, do not render any of independent claims 1 and 13 obvious. Applicants further submit that the above-mentioned distinctions of independent claims 1 and 13 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record, alone or in combination.

Claims 5 and 17 are dependent from independent claims 1 and 13, respectively, and include all the features of these independent claims as well as additional distinguishing features. Therefore, it is respectfully submitted that the patentability of claims 5 and 17 follows directly from the patentability of independent claims 1 and 13, respectively.

In view of the above, Applicants respectfully request that the rejection of claims 5 and 17 under 35 USC §103(a) as being unpatentable over the '588 Publication in view of Kaikuranta be withdrawn.

The Examiner rejected claims 7-9 and 19-21 under 35 USC §103(a) as being unpatentable over the '588 Publication in view of Beach et al., United States Patent Application Publication Number 2003/0086443 ("the '443 Publication").

Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of the '588 Publication and the '443 Publication does not meet the requirements of an obviousness rejection, in that the combination at least fails to teach or suggest all the elements of the claimed invention.

Claims 7-9 depend from independent claim 1, and claims 19-21 depend from independent claim 13.

Each of independent claims 1 and 13 recites, in paraphrase, storing in a buffer during an awake mode <u>data packets sent for transmission</u> during a power save mode. As discussed above, the '588 Publication does not disclose, teach or suggest at least this feature of independent claims 1 and 13. The '443 Publication does not cure the deficiencies of the '588 Publication.

In view of the above, Applicants respectfully submit that the '588 Publication and/or the '443 Publication, alone or in combination, do not render any of independent claims 1 and 13 obvious. Applicants further submit that the above-mentioned distinctions of independent claims 1 and 13 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record, alone or in combination.

Claims 7-9 and claims 19-21 are dependent from independent claims 1 and 13, respectively, and include all the features of these independent claims as well as additional distinguishing features. Therefore, it is respectfully submitted that the patentability of claims 7-9 and claims 19-21 follows directly from the patentability of independent claims 1 and 13, respectively.

In view of the above, Applicants respectfully request that the rejection of claims 7-9 and 19-21 under 35 USC §103(a) as being unpatentable over the '588 Publication in view of the '443 Publication be withdrawn.

The Examiner rejected claims 30-35 under 35 USC §103(a) as being unpatentable over the '588 Publication.

Independent claim 30 recites, in paraphrase, storing in a buffer during an awake mode <u>data packets sent for transmission</u> during a power save mode. As discussed above, the '588 Publication does not disclose, teach or suggest at least this feature of independent claim 30.

In view of the above, Applicants respectfully submit that the '588 Publication does not render independent claim 30 obvious. Applicants further submit that the above-mentioned distinctions of independent claim 30 would not have been obvious at the time the invention was made to a person having ordinary skill in the art, in view of any of the references on record, alone or in combination.

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Claims 31-35 are dependent from independent claim 30, and include all the features of independent claim 30 as well as additional distinguishing features. Therefore, it is respectfully submitted that the patentability of claims 31-35 follows directly from the patentability of independent claim 30.

In view of the above, Applicants respectfully request that the rejection of claims 30-35 under 35 USC §103(a) as being unpatentable over the '588 Publication be withdrawn.
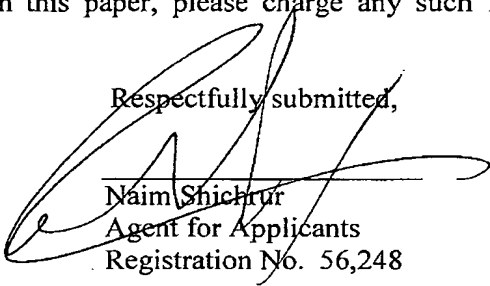
Conclusion

In view of the foregoing amendment and remarks, and for at least the reasons discussed above, Applicants respectfully submit that claims 1-39 are deemed to be allowable. Their favorable reconsideration and allowance are respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this paper, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

No fees are believed to be due in connection with this paper. However, if any fees are in fact due in connection with this paper, please charge any such fees to deposit account No. 50-3355.

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